

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

No. 21-cv-11300-DLC

PETER MCCARTHY,
STEPS TO SOLUTIONS, INC.

Defendants.

ORDER ON THE GOVERNMENT'S MOTION FOR RECONSIDERATION (D. 146)

CABELL, U.S.M.J.

On December 26, 2024, the court issued an Order granting in part and denying in part the defendant's motion for remittitur, reducing the damages awarded by the jury from \$3,085,000 to \$1,420,000. In so doing, the court stated that the defendant "now has the choice of a new trial or acceptance of remittitur," and gave the defendant until January 3, 2025 to indicate which option he planned to elect. (D. 145).

The government moves for reconsideration of this portion of the court's Order, arguing that the option to accept the remittitur lies with the United States and not the defendant. Upon review, the court agrees with the government; it is the party adversely affected by the remittitur who has the option to accept the reduced amount or undergo a new trial on damages.

Accordingly, the government's motion is granted. The court hereby modifies its Order as it relates to remittitur to reflect that the government and not the defendant has the option to accept or reject the remitted amount. The government shall inform the court by January 13, 2025 whether it will accept the remittitur or seek a new trial on the issue of damages.

So Ordered.

/s/ Donald L. Cabell
DONALD L. CABELL, U.S.M.J.

DATED: January 3, 2025